



**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

THE ESTATE OF )  
SINOUN SAMANTHA PREAM, ET AL., )  
 )  
Plaintiff(s), )  
 )  
v. )  
THE CITY OF LONG BEACH, ET AL., )  
 )  
Defendant. )  
\_\_\_\_\_ )

CASE NO. CV 17-4295-TJH(FFMx)

JURY INSTRUCTIONS  
PHASE 2- AS TO DAMAGES

It is the duty of the Court to instruct you about the measure of damages.

The Plaintiffs have the burden of proving damages by a preponderance of the evidence.

Damages means the amount of money that will reasonably and fairly compensate Sinuon Samantha Pream and the Plaintiffs for any injury you find was caused by each Defendant.

It is for you to determine what damages, if any, have been proved.

The Plaintiffs do not have to prove the exact amount of these damages. However, your award must be based upon evidence and not upon speculation, guess work or conjecture. No fixed standard exists for deciding the amount of damages. You must use your judgment to decide a reasonable amount based on the evidence and your common sense

As to the claim of Sinuon Samantha Pream for the use of excessive force in violation of her Fourth Amendment rights, you should consider the following as to her damages:

1. The mental, physical, and emotional pain and suffering experienced by Sinuon Samantha Pream;
2. The loss of enjoyment of life experienced by Sinuon Samantha Pream;  
and
3. The nature and extent of the injuries to Sinuon Samantha Pream.

Although there is more than one plaintiff in this action, it does not follow from that fact alone that if one plaintiff is entitled to recover, all are entitled to recover. The Defendants are entitled to a fair consideration as to each Plaintiff, just as each Plaintiff is entitled to a fair consideration of that Plaintiff's claim for damages against each Defendant. Unless otherwise stated, all instructions I give you govern the case as to each Plaintiff.

As to the Fourteenth Amendment claims of Bradley Pream, Jacob Pream, Jocelyn Chanta Ly, Joanna Mariah Ly, Yoeun Ven, and San Pream for violations of their right to familial association with Sinuon Samantha Pream, you should consider the following as to each Plaintiff:

1. The loss of Sinuon Samantha Pream's love, companionship, comfort, care, assistance, protection, affection, society, and moral support; and
2. The loss of Sinuon Samantha Pream's training and guidance.

Plaintiffs are entitled to be compensated only for the injuries actually suffered.

Defendants violated more than one of the Plaintiffs' rights. If the injury resulting from Defendants' conduct was no greater than it would have been had Defendants violated only one of the Plaintiffs' rights, then you should award an amount of compensatory damages that is no greater than you would award if Defendants had violated only one of the Plaintiffs' rights.

If Defendants' conduct caused separate injuries that you can identify separately for each of the separate violations, then you should award an amount of compensatory damages equal to the total of the damages you believe will fairly and justly compensate the Plaintiffs for the separate injuries they suffered.

As to the battery and negligence claims, you must decide how much money will reasonably compensate the Plaintiffs for the death of Sinuon Samantha Pream. The Plaintiffs seek compensation for the following past and future damages:

1. The loss of Sinuon Samantha Pream's love, companionship, comfort, care, assistance, protection, affection, society, moral support; and
2. The loss of Sinuon Samantha Pream's training and guidance.

In determining the Plaintiffs' losses for the battery and negligence claims, do not consider:

1. Plaintiffs' grief, sorrow, or mental anguish;
2. Sinuon Samantha Pream's pain and suffering; or
3. The poverty or wealth of the Plaintiffs.

In deciding a person's life expectancy, you may consider, among other factors, the average life expectancy of a person of that age, as well as that person's health, habits, activities, lifestyle, and occupation.